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seeking damages for conversion, breach of contract or lack of contract, fraud, money had and received, trespass, tortious interference with a contract, for an accounting, and for a declaratory judgment in the 205th District Court for Culberson County, Texas (the "Action").

2. On October 10, 2008, ACM-Texas, LLC filed for Chapter 11 bankruptcy relief pursuant to Title 11, United States Bankruptcy Code in this case styled: In re: ACM-Texas, LLC; 08-70200-RBK.

3. Pursuant to 28 U.S.C. §1452(a), Fed. R. Bank. P. 9027, and Local R. Bank. P. 9027, this action is therefore being removed to this Court by Plaintiff, TEXAS ARCHITECTURAL AGGREGATE, INC..

II. Nature of the Suit

4. In April of 1999, a letter was negotiated and executed by representatives of TAA and Applied Chemical Magnesias Corp. concerning proposed operation of certain mineral deposits in West Texas. The 1999 letter provided for progressive steps in order for Applied Chemical Magnesias Corp. to be authorized to mine ore from land and mineral deposits controlled by TAA. ACM-Texas, LLC has attempted and is mining ore from the leasehold estate which is the subject of the 1999 letter. TAA contends that neither Applied Chemical Magnesias Corp. nor ACM-Texas, LLC have the right to mine the property at issue. Further, millions of dollars of ore have been mined without payment of royalties to the State of Texas. ACM-Texas, LLC is creating an enormous liability for TAA without regard to any payment whatsoever to TAA. There are current mining operations ongoing at the leasehold estate post-petition, without any provision being made for payment of royalties to the State of Texas and without payment of any rents or royalties to TAA. All actions are being taken by the Debtor without it having any legitimate contract rights or property rights which would enable it to continue its mining operations on TAA's property.

III. Basis for Removal

5. On October 10, 2008, ACM-Texas, LLC filed for Chapter 11 bankruptcy relief pursuant

to Title 11, United States Bankruptcy Code in this case styled: In re ACM-Texas, LLC; Case No. 08-70200-RBK.

6. This Notice of Removal is filed within ninety (90) days after ACM-Texas, LLC filed for Chapter 11 bankruptcy, and is therefore timely filed under Fed. R. Bank. P. 9027(a)(2).

7. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(I) and (O).

8. TEXAS ARCHITECTURAL AGGREGATE, INC. consents to the entry of final orders or judgment by the bankruptcy judge.

9. This Court has jurisdiction over the Action pursuant to 28 U.S.C. § 1334. Removal of this Action is proper pursuant to 28 U.S.C. § 1452.


10. This application is also accompanied by true and correct copies of all pleadings and process as required by Fed. R. Bank. P. 9027(a)(1).

WHEREFORE, PREMISES CONSIDERED, JERRY McADOO BRAMBLETT, in conformity with the requirements set forth in 28 U.S.C. § 1452, Fed. R. Bank. P. 9027, and L. R. Bankr. P. 9027 requests the removal of the action from the 205th District Court of Hudspeth County, Texas, Cause No. 3776-205, to the United States Bankruptcy Court for the Western District of Texas, El Paso Division.

Respectfully submitted,

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By:



Corey W. Haugland
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Attorney for Plaintiff TEXAS
ARCHITECTURAL AGGREGATE, INC.

CERTIFICATE OF SERVICE

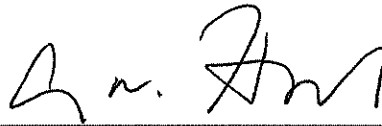
I, Corey W. Haugland, hereby certify that on this 12~~th~~ day of December, 2008, a true and correct copy of the above and foregoing Notice of Removal was sent to:

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Corey W. Haugland